

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET									
CR No: 20-639 JB			USA vs.: Black						
Date: 7/17/20			Name of Deft: Johnny C. Black						
Before the Honorable: James O. Browning									
Time In/Out:		9:30 am-11 am 11:19am-11:58am			Total Time in Court (for JS10):			2 hours; 9 Minutes	
Clerk:		J. Wright			Court Reporter:			J. Bean	
AUSA:		Nicholas Marshall			Defendant's Counsel:			Margaret A Katze	
Sentencing in:		Albuquerque			Interpreter:				
Probation Officer:		Martine Lopez-Bowers			Interpreter Sworn?			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Convicted on:		<input checked="" type="checkbox"/>	Plea		Verdict	As to:	<input checked="" type="checkbox"/>	Information	<input type="checkbox"/> Superseding Indictment
If Plea:			Accepted		Not Accepted	Adjudged/Found Guilty on Counts:			
If Plea Agreement:		<input checked="" type="checkbox"/>	Accepted		Not Accepted	No Plea Agreement		Comments:	
Date of Plea/Verdict:		4/8/20		PSR:	Not Disputed		Disputed	<input checked="" type="checkbox"/> Courts adopts PSR Findings – see changes below	
Evidentiary Hrg:		<input checked="" type="checkbox"/>	Not Needed		Needed	Exceptions to PSR:			
<b>SENTENCE IMPOSED</b>				Imprisonment (BOP):		Count 1: 84 months Count 2: 87 months – said terms to run consecutively for a total of 171 months			
Supervised Release:		1: 3 years 2: 3 years to run concurrently for a total term of 3 years					Probation:		
REC	<input checked="" type="checkbox"/>	500-Hour Drug Program		BOP Sex Offender Program			Other:		
ICE		Court recommends ICE begin removal proceedings immediately or during service of sentence						<input type="checkbox"/> ICE not applicable	
<b>SPECIAL CONDITIONS OF SUPERVISION</b>									
No re-entry without legal authorization					Home confinement for months days				
Comply with ICE laws and regulation					Community service for hours during supervised release.				
<input checked="" type="checkbox"/> Participate in/successfully complete subst abuse program/testing					<input checked="" type="checkbox"/> Reside at residential reentry center months 180 days				
Participate in/successfully complete mental health program					Register as sex offender				
<input checked="" type="checkbox"/> Refrain from use/possession of alcohol/intoxicants					Participate in sex offender treatment program				
<input checked="" type="checkbox"/> Submit to search of person/property					Possess no sexual material				
<input checked="" type="checkbox"/> No contact with victim(s) and/or co-defendant(s)					No computer with access to online services				
No entering or loitering near victim's residence					No contact with children under 18 years				
Provide financial information					No volunteering where children supervised				
<input checked="" type="checkbox"/> Waive right of confidentiality and allow the treatment provider to release treatment records					Restricted from occupation with access to children				
<input checked="" type="checkbox"/> Must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning, whether or not intended for human consumption.					No loitering within 100 feet of school yards				
<input checked="" type="checkbox"/> Must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).					If defendant is unemployed - Must participate in an educational or vocational services program and follow the rules and regulations of that program				
You must have no gang association Consistent with a stipulation in the Plea Agreement, the defendant forfeits his rights, title, and OTHER: interest the items outlined in paragraph 19									
Fine: \$	Not imposed				Restitution: \$			To be determined at a later date	
SPA: \$	200.00				Payment Schedule:		<input checked="" type="checkbox"/>	Due Immediately	<input type="checkbox"/> Waived
OTHER:									
<input checked="" type="checkbox"/>	Advised of Right to Appeal		<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement					

<input checked="" type="checkbox"/>	Held in Custody	Voluntary Surrender
Recommended place(s) of incarceration:		
Dismissed Counts:	Government will file a motion to dismiss remaining counts <ul style="list-style-type: none"> <li>. Restitution could not be determined prior to 10 days in advance; all parties agree to postpone; a hearing will be set in 90 days</li> <li>. Probation will work with family regarding restitution and Ms. Katze with respond.</li> <li>. Defense puts on record that she had asked for names and dates of birth regarding family members and AUSA refused; AUSA states he did provide names and does not believe that identifiers needs to be used under the Victim's Rights Act.</li> <li>. Court states AUSA should provide names and approximate ages and enough information so Defense has a rough idea of who is speaking</li> <li>. Defense states that the only way she received names was because the Courtroom Deputy asked for the names for security.</li> <li>. Victim's family addresses the Court</li> <li>. Defense moves for 3 level downward variance – Government does not object; Defense will file motion and provide order</li> <li>. Defense argues inaccuracies to the PreSentence Report – Paragraph 95, Court will remove the indications of a tattoo of CK. Paragraph 115 – Court also removes the CK from the report; Paragraph 150 – remarks regarding tattoo/gang affiliation are removed.</li> <li>. Court finds that the government has not established by a preponderance of evidence that the Defendant has gang affiliation.</li> <li>. Defendant allocates</li> <li>. Defense argues her Sentencing Memorandum</li> <li>. Court recesses for break at 11 am; Court resumes at 11:19 am.</li> <li>. AUSA rebuts.</li> </ul>	
OTHER COMMENTS:	. Court proceeds to sentencing	